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**MEMO ENDORSED**

Via Facsimile

Hon. P. Kevin Castel  
Judge, United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street - Room 2260  
New York, New York 10007-1312

Re: *Flagg, et al. v. Skadden, Arps Pension Plan*, 07-cv-7392 (PKC)

Dear Judge Castel:

As directed, the parties met-and-conferred regarding Plaintiffs' First and Second Set of Discovery Requests, dated October 29, 2007 and January 10, 2008 (consisting of 17 requests for production of documents, 11 interrogatories and 65 requests for admission) and Defendants' responses thereto. The parties have resolved many of their differences, and agreed that others should be set aside until after further discovery takes place, whereupon it may be better understood what additional responses, if any, may be required. It was agreed that documents which Defendants have agreed to produce will be provided to Plaintiffs on a rolling basis, to commence within two weeks and concluding within six weeks. Defendant amended its responses to certain interrogatories and certain requests for admission, and agreed to amend its responses to certain other requests for admission. Plaintiffs have agreed to restate certain requests for admission, and Defendant will respond two weeks thereafter. Privilege Logs will be produced two weeks after document production is completed. Depositions should commence by mid-September.

July 25, 2008

*My ruling is as follows:*

① RFP No. 14: Defendant's produce all not privileged documents.  
② Interrogatory No. 5: respond as to comments since December 2002 regarding the Defendant's Plan.

**SO ORDERED**  
*[Signature]*  
JSD  
8-7-08

*Defendant shall*